

Examiner-Initiated Interview Summary	Application No. 10/820,492	Applicant(s) BAYER ET AL.	
	Examiner NAVIN NATNITHITHADHA	Art Unit 3735	

All Participants:

(1) NAVIN NATNITHITHADHA.

(2) Michael G. Munsell.

Date of Interview: 29 December 2009

Type of Interview:
☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)
Exhibit Shown or Demonstrated: ☐ Yes ☒ No
If Yes, provide a brief description: .

Status of Application: _____

(3) _____.

(4) _____.

Time: 1:25

Part I.

Rejection(s) discussed:
35 U.S.C. 103(a)

Claims discussed:
1, 23, 36, and 61

Prior art documents discussed:
Mault, US 6,468,222; Sheehan, US 6,319,199; Raemer, US 4,233,842; Burroughs, US 3,880,591; and the prior art devices shown as exhibits in the Interview Summary, mailed 10/19/2009.

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:
See Continuation Sheet

Part III.

☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The Examiner stated that the independent claims 1, 23, 36, and 61 can still be interpreted as reading on the blood alcohol content testing devices shown as exhibits in the Interview Summary, filed 19 October 2009, depending on how the operator stands and positions his arms while holding the prior art device. Applicant provided a proposed amendment to further define the independent claims (and relevant dependent claims) in line with Applicant's arguments, i.e. the feature has a particular purpose and has a specific advantage to prior art devices, in the Remarks, filed 26 October 2009, and to distinguish the claimed structure from the prior art devices that were shown as exhibits in the Interview Summary, filed 19 October 2009. Examiner agreed that these Amendments, which further defines the position of the mouthpiece relative to the base, would overcome the prior art of record and the prior art exhibits. Examiner agreed to make the proposed amendments as an Examiner Amendment.

Additionally, Applicant proposed amendments to correct minor errors in claims 6, 8, and 45.